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Attorneys for Defendants SubscriberBase, Inc,
SubscriberBase Holdings, Inc. and Consumer
Research Corporation

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ASIS INTERNET SERVICES, *et al.*

Plaintiffs,

vs.

SUBSCRIBERBASE INC., *et al.*,

Defendants.

Case No. CV-09-3503

**DECLARATION OF JEFFREY M.
ROSENFELD IN OPPOSITION TO
PLAINTIFF ASIS INTERNET
SERVICES'S MOTION FOR
DISMISSAL OF ALL DEFENDANTS**

Date: September 17, 2010

Time: 10:00 a.m.

Courtroom: 1, 17th Floor

I, Jeffrey M. Rosenfeld, declare as follows:

1. I am an associate at the law firm of Kronenberger Burgoyne, LLP. I am admitted in the State of California and before this Court and am counsel of record for Defendants SubscriberBase, Inc, SubscriberBase Holdings, Inc. and Consumer Research Corporation (collectively, "Defendants"). Unless otherwise stated I have personal knowledge of the facts set forth in this declaration.

2. Attached hereto as Exhibit A is a true and correct copy of ASIS Internet Services ("ASIS")'s Responses to Azoogleads.com, Inc. ("Azoogle")'s First Set of Written Interrogatories in connection with Azoogle's judgment enforcement efforts in *ASIS Internet Services v. Optin Global, Inc. et al.*

3. Attached hereto as Exhibit B is a true and correct copy of the Sales Agreement Between ASIS Internet Services and A Simple Internet Solution, which was produced by ASIS on July 16, 2010 in connection with Azoogle's judgment enforcement efforts in *ASIS Internet Services v. Optin Global, Inc. et al.*

4. Despite the supposed sale of all of ASIS's business assets in January 2010, ASIS has continued to litigate this action since that date.

5. To date, ASIS has brought at least 18 email marketing lawsuits, seeking millions-upon-millions of dollars in statutory damages. The dockets for these cases reveal that many were voluntarily dismissed upon settlement. The email marketing lawsuits that ASIS filed include:

- *Asis Internet Services v. Summer Bay Partnership et al.*, 3:09-cv-00005-CRB (Filed 1/02/09 – N.D. Cal.)
 - a. Defendants:
 - (i) Summer Bay Partnership *doing business as* Summer Bay Resort
 - (ii) Bryanstone L.C.
 - (iii) Orlando Investments, LLP
 - (iv) Crown Diversified Industries Corp.
 - (v) Gemini Consulting Group, Inc.
 - (vi) Joe H. Scott, Sr.

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- 1 • *Asis Internet Services v. Pure Ads, LLC*, 3:08-cv-01566-SC
 2 (Filed 03/21/08 – N.D. Cal.)
 - 3 a. Defendant:
 - 4 (i) Pure Ads, LLC a Florida Limited Liability Company *doing*
 5 *business as Brand Survey Center doing business as Prize*
 6 *Reward Portal also known as Totalrewardzone.com doing*
 7 *business as Customeronlinesavings.com doing business as*
 8 *Prize Reward Center doing business as Pure Gift Center doing*
 9 *business as Brand Name Test Panel also known as*
 10 *Theperfectgiftcenter.com also known as*
 11 *Customerdirectsavings.com doing business as Best Online Gift*
 12 *Center doing business as Brand Name Rewards also known*
 13 *as Bestonlinegiftcenter.com doing business as The Perfect Gift*
 14 *Center also known as Namebrandsurveys.com doing business*
 15 *as Brand Name Goodies doing business as Brand New America*
 16 *also known as Customersurveyrewards.com also known as*
 17 *Brandnametestpanel.com doing business as Brand Survey*
 18 *Portal also known as Brandsurveycenter.com also known as*
 19 *Prizerewardcenter.com also known as Brand Name*
 20 *Rewards.com doing business as Customer Online Savings*
 21 *doing business as Total Reward Zone doing business as*
 22 *Customer Survey Rewards also known as*
 23 *Prizerewardportal.com also known as Puregiftcenter.com*
 24 *doing business as Name Brand Surveys doing business as*
 25 *Customer Direct Savings also known as Yourbigprize.com*
 26 *also known as Brandsurveyportal.com also known as*
 27 *Brandnewgoodies.com doing business as Survey Rewards*
 28 *Center also known as Surveyrewardscenter.com doing*
 business as Your Big Prize also known as
 Brandnewamerica.com
- 19 • *Asis Internet Services v. Sierra Partners, LLC*, 4:08-cv-02813-SBA
 20 (Filed 06/05/08 – N.D. Cal.)
 - 21 a. Defendants:
 - 22 (i) Sierra Partners, LLC, a Nevada Limited Liability Company
 23 *doing business as Direct Consumer Services*
 - 24 (ii) David Winsen
 - 25 (iii) Chad Fisk
- 26 • *Asis Internet Services v. Rausch*, 3:08-cv-03186-EDL
 27 (Filed 07/02/08 – N.D. Cal.)
 - 28 a. Defendants:
 - (i) Richard Rausch
 - (ii) Mark Theis
 - (iii) Kirk Whiting individually and fictitiously *doing business as Find*
 A Quote
 - (iv) Edward Heckerson *doing business as Find A Quote*

- 1 • *Asis Internet Services v. Valueclick, Inc.*, 4:07-cv-03261-PJH
 2 (Filed 06/21/07 – N.D. Cal.)
 - 3 a. Defendant:
 - 4 (i) Valueclick Inc. *doing business as* VC E-Commerce Solutions
 5 Inc. *doing business as* Rewardamazon.com *doing business as*
 6 Consumerincentivezone.com *doing business as*
 7 Rewardsgateway.com *doing business as*
 8 Promotionsgateway.com *doing business as* Giveawaycafe.com
 9 *doing business as* Consumerpromotioncenter.com *doing*
 10 *business as* Generousgenie.com
- 11 • *Asis Internet Services v. JB Virtual Enterprises, Inc., et al.*,
 12 4:09-cv-04512-PJH (Filed 09/24/09 – N.D. Cal.)
 - 13 a. Defendants:
 - 14 (i) JB Virtual Enterprises, Inc.
 - 15 (ii) Justin Blake
- 16 • *Asis Internet Services v. Consumerbargaingiveaways, LLC, et al.*,
 17 3:08-cv-04856-WHA (Filed 10/23/08 – N.D. Cal.)
 - 18 a. Defendants:
 - 19 (i) Consumerbargaingiveaways, LLC an Illinois Limited Liability
 20 Company *doing business as* Opinionresearchpanel *also known*
 21 *as* Opinionresearchpanel.com
 - 22 (ii) Consumer Review Network, LLC a Delaware Limited Liability
 23 Company *doing business as* Consumerreviewnetwork.com
 - 24 (iii) Directgiftcardpromotions, LLC an Illinois Limited Liability
 25 Company *doing business as* Laptopreviewpanel *also known as*
 26 Laptopreviewpanel.com
 - 27 (iv) Jeff M. Zweben
- 28 • *Asis Internet Services v. Optin Global, Inc.*, 3:05-cv-05124-JCS
 (Filed 12/15/2005 – N.D. Cal.)
 - a. Defendants:
 - (i) Optin Global, Inc., a Delaware Corporation, *also dba* Vision
 Media Limited Corp., USA Lenders Network, USA Lenders, and
 USA Debt Consolidation Service
 - (ii) Vision Media Limited Corp., a Common-wealth of Dominica
 Corporation, *also dba* Optin Global, Inc., USA Lenders
 Network, USA Lenders, and USA Debt Consolidation Service
 - (iii) Rick Yang, *also known as* Qing Kuang Yang, *aka* Calvin Ho,
 individually, and as principal and owner of Vision Media Limited
 Corp. and Optin Global, Inc.
 - (iv) Peonie Pui Ting Chen, individually, and as president of Optin
 Global, Inc.
 - (v) Estela Marie Richie, *aka* Stela
 - (vi) John Terrence Dorland, *aka* Terry
 - (vii) Chris Valley
 - (viii) Bruce Lerner
 - (ix) Michael Garcia

- (x) Francis Prasad
- (xi) Michael Cuervo, *dba* Northstar Financial, an unknown entity
- (xii) North County Loans, Inc., a California corporation
- (xiii) National Fidelity Funding, an Indiana corporation
- (xiv) Stateside Mortgage, Inc., a California corporation
- (xv) American Home Equity Corporation, a Delaware corporation
- (xvi) Quicken Loans Inc., a Michigan corporation
- (xvii) Aegis Lending Corporation, a Delaware corporation
- (xviii) EFG First, Inc, a California corporation
- (xix) Emerald Home Loan, Inc., Emerald Home Loan by Paul F. Rafferty
- (xx) Azoogole.com, Inc., a Delaware corporation
- (xxi) Leads Limited, Inc., a Florida corporation

- *Asis Internet Services v. Vistaprint USA, Inc., et al.*, 4:08-cv-05261-SBA (Filed 11/20/08 – N.D. Cal.)

a. Defendants:

- (i) Vistaprint USA, Incorporated
- (ii) Vistaprint Limited

- *ASIS v. Imarketing Consultants Inc.*, 4:07-cv-05357-CW (Filed 10/19/07 – N.D. Cal.)

a. Defendant:

- (i) Imarketing Consultants Inc. *dba* Ultra-Mx.com, also *dba* Speed Network, also *dba* Speed-mx.com

- *Asis Internet Services v. Member Source Media LLC*, 3:08-cv-01321-EMC (Filed 03/07/08 – N.D. Cal.)

a. Defendant:

- (i) Member Source Media LLC, a California limited liability company *doing business as* Premium Perks *doing business as* Online Reward Group *doing business as* Consumer Gain *doing business as* Free Retail Rewards *doing business as* Great American Giveaways

- *Asis Internet Services v. Azoogole.com, Inc.*, 3:07-cv-04630-JCS (Filed 09/07/07 – N.D. Cal.)

a. Defendant:

- (i) Azoogole.com, Inc. a Delaware Corporation *doing business as* Azoogoleads US, Inc.

Asis Internet Services et al. v. Active Response Group, Inc., 3:07-cv-06211-THE (Filed 12/07/07 – N.D. Cal.)

a. Defendants:

- (i) Active Response Group, Inc.
- (ii) Hydra Media Group, Inc.
- (iii) Hydra LLC
- (iv) Intergraclick Inc. [sic]

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- *Asis Internet Services et al. v. All In, LLC*, 3:07-cv-5717-JSW (Filed 11/9/07)
 - a. Defendant:
 - (i) All In, LLC
- *Asis Internet Services, et al. v. Suscriberbase Inc et al.* [sic], 3:09-cv-03503-SC (Filed 7/30/09 – N.D. Cal.)
 - a. Defendants:
 - (i) Suscriberbase Inc [sic]
 - (ii) Suscriberbase Holdings Inc [sic]
 - (iii) Consumer Research Corporation, Inc., et al.
- *Asis Internet Services, Inc. v. All In, LLC.*, 8:08-mc-00148-JSM-MAP (Filed 11/26/08 – N.D. Cal.)
 - a. Defendant:
 - (i) All In, LLC
- *Asis Internet Services, Inc. et al v. Vistaprint USA, Inc.*, 8:09-mc-00117-SDM-TGW (Filed 12/02/09 – N.D. Cal.)
 - a. Defendant:
 - (i) Vistaprint USA, Inc.
- *Asis Internet Services v. Member Source Media LLC, et al.*, CGC-10-500363 (Filed 06/02/10 - San Francisco Superior Court)
 - a. Defendant:
 - (i) Member Source Media LLC, a California limited liability company, *dba* Online Reward Group (*aka* Onlinerewardgroup.com) Also *dba* Great American Giveaways (*aka* Greatamericangiveaways.com) Also *dba* Consumer Gain (*aka* Consumergain.com)
- *Asis Internet Services et al. v. Genix Marketing, Inc., et al.*, DR-O8-1161 (Filed 12/12/08 – Humboldt Superior Court)
 - a. Defendants:
 - (i) Genix Marketing, Inc.
 - (ii) Edgar Babayan
 - (iii) Arin Aghajani

6. Attached hereto as Exhibits C, D and E are true and correct copies of the complaints ASIS filed in the following cases: *ASIS Internet Services, et al. v. Sierra Partners, LLC., et al.*, *ASIS Internet Services v. Vistaprint USA, Incorporated, et al.*, and *ASIS Internet Services v. Consumerbargaingiveaways, LLC, et al.*

7. Attached hereto as Exhibit F is a true and correct copy of the complaint filed in *ASIS Internet Services v. Member Source Media, LLC, et al.*

1 8. Attached hereto as Exhibit G is a true and correct copy of the Order
 2 Granting Defendant's Motion for Security for Costs and Setting Case Management
 3 Schedule in *ASIS Internet Services v. Member Source Media, LLC et al.*, No. C-08-1321
 4 EMC (N.D. Cal. Filed 03/07/08).

5 9. ASIS has refused to pay a cent of the \$806,978.84 judgment entered in
 6 *ASIS Internet Services v. Optin Global, Inc. et al.* to Azoogole.

7 10. Attached hereto as Exhibit H is a true and correct copy of a check produced
 8 by the Community Credit Union of Southern Humboldt County on July 16, 2010 in
 9 connection with Azoogole's judgment enforcement efforts in *ASIS Internet Services v.*
 10 *Optin Global, Inc. et al.*

11 11. Attached hereto as Exhibit I is a true and correct copy of a cashier's check
 12 produced by the Community Credit Union of Southern Humboldt County on July 16, 2010
 13 in connection with Azoogole's judgment enforcement efforts in *ASIS Internet Services v.*
 14 *Optin Global, Inc. et al.*

15 12. Attached hereto as Exhibit J are true and correct copies of bank records for
 16 ASIS for May 2010-June 2010 produced by the Community Credit Union of Southern
 17 Humboldt County on July 8, 2010 in connection with Azoogole's judgment enforcement
 18 efforts in *ASIS Internet Services v. Optin Global, Inc. et al.*

19 13. Attached here to as Exhibit K is a true and correct copy of a printout from
 20 the California Secretary of State's Business Portal website, located at
 21 <http://kepler.sos.ca.gov/cbs.aspx>, which was printed out on August 20, 2010.

22 14. Attached hereto as Exhibit L are true and correct copies of bank records
 23 showing transfers of money from ASIS to Nella White on January 27, 2010, produced by
 24 the Community Credit Union of Southern Humboldt County on July 16, 2010 in
 25 connection with Azoogole's judgment enforcement efforts in *ASIS Internet Services v.*
 26 *Optin Global, Inc. et al.*

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1 I declare under penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct and that this Declaration was executed on
3 September 7, 2010, in San Francisco, California.

4 s/ Jeffrey M. Rosenfeld

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